

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 MAY -5 AM 11:52

ROBERT R. DETROLLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

MICHAEL J. ARENDALE,
Plaintiff,

vs.

CITY OF MEMPHIS, et al.,
Defendants.

X
X
X
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X

No. 05-2190-B/P

ORDER TO ISSUE SERVICE OF PROCESS

Plaintiff Michael J. Arendale filed a pro se complaint on March 10, 2005 that asserted claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and 42 U.S.C. § 1981 against the City of Memphis and that asserted a claim pursuant to 42 U.S.C. § 1981 against Lieutenant Andre Cox.¹ Plaintiff paid the civil filing fee.

Within thirty (30) days of the date of entry of this order, the plaintiff shall personally appear at the Clerk's office and, upon presentation of a copy of this order, the Clerk shall provide plaintiff two (2) blank, unsigned summonses. Pursuant to

¹ The law is clear that there is no personal liability under the employment discrimination statutes against a co-worker or supervisor who does not otherwise qualify as an "employer." Wathen v. General Electric Co., 115 F.3d 400, 405 (6th Cir. 1997). In this case, it is not clear whether the plaintiff intended to assert a Title VII claim against Cox. The law is clear, however, that any such claim would be meritless as a matter of law and subject to sua sponte dismissal pursuant to Apple v. Glenn, 183 F.3d 477, 478 (6th Cir. 1999) (per curiam).

Fed. R. Civ. P. 4(b), the plaintiff is responsible for properly filling out the summonses and presenting them to the Clerk for signature and seal. If the summonses are in proper form, the Clerk shall sign, seal, and issue them to the plaintiff for service on the defendants. The plaintiff is responsible for ensuring that service is effected on the City of Memphis pursuant to Fed. R. Civ. P. 4(j)(2) and Tenn. R. Civ. P. 4.04(8) and on the individual defendant pursuant to Fed. R. Civ. P. 4(e) and Tenn. R. Civ. P. 4.04(1) & (10).² Service on the defendants shall include a copy of this order.

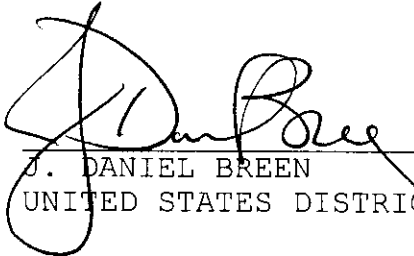
It is ORDERED that the plaintiff shall serve a copy of every further document filed in this cause on the attorney for each defendant, or on any defendant that has no attorney. The plaintiff shall make a certificate of service on every document filed. The plaintiff shall familiarize himself with the Federal Rules of Civil Procedure and the local rules of this Court.

The plaintiff shall promptly notify the Clerk of any change of address or whereabouts. Failure to comply with these requirements, or any other order of the Court, may result in this case being dismissed without further notice.

² Plaintiff also must comply with Rule 4(c)(2), which requires, in part: "Service may be effected by any person who is not a party and who is at least 18 years of age."

The plaintiff is advised that the time limit set forth in Fed. R. Civ. P. 4(m) shall commence running on the date of entry of this order.

IT IS SO ORDERED this 4th day of May, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:05-CV-02190 was distributed by fax, mail, or direct printing on May 5, 2005 to the parties listed.

Michael J. Arendale
2695 Morning Woods
Cordova, TN 38016

Honorable J. Breen
US DISTRICT COURT